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September 9, 2014

VIA E-MAIL AND FEDEX

Mr. Kevin Brown
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612
kevin.brown@waterboards.ca.gov

Re: Additional Comments on Tentative Orders

- (1) Adoption of Initial Site Cleanup Requirements, 1705 Contra Costa Boulevard, Pleasant Hill, Contra Costa County**
- (2) Adoption of Initial Site Cleanup Requirements, 1643 Contra Costa Boulevard, Pleasant Hill, Contra Costa County**

Dear Mr. Brown:

On behalf of Marjorie Robinson, we thank the Regional Water Quality Control Board ("Regional Board") for providing an opportunity for additional comments on the above-referenced tentative orders ("Tentative Orders") adopting initial site cleanup requirements for the properties located at 1705 Contra Costa Boulevard (the "Property") and 1643 Contra Costa Boulevard. This letter supplements the comments we submitted on behalf of Mrs. Robinson on July 31, 2014 ("Robinson Comments"), specifically with respect to the following comment:

The Tentative Order[s], at various points, state[] that the contaminants present in groundwater beneath and downgradient from the Property have "likely commingled" with a groundwater plume associated with P&K Cleaners. The Regional Board has not presented substantial evidence to support this conclusion. In fact, until the remedial investigation required by the Tentative Order[s] is completed, such a conclusion is unverifiable and, therefore, unreasonable. [Robinson Comments, p. 9 (footnote omitted).]

This comment is further supported by evidence included in the August 4, 2014 Conestoga-Rovers & Associates comment letter (the "CRA Letter") submitted to the Regional Board by Chevron U.S.A. Inc. during the original comment period. The CRA Letter notes that the Regional Board Staff Report does not identify the "new information" that the Staff Report

references as supporting a conclusion that the contaminants beneath and downgradient from the Property have commingled with the plume associated with P&K Cleaners. CRA Letter, § 3.13. The CRA Letter also presents substantial evidence indicating that groundwater does not flow from the Property towards P&K Cleaners, as assumed by the Regional Board. CRA Letter, §§ 2.5, 3.14. Finally, the CRA Letter discusses extensive groundwater monitoring data and other data that contradicts the Regional Board's contention that the plumes are commingled. CRA Letter, § 3.14.

The above comments in the CRA Letter are focused on groundwater contaminants emanating from the service station at the Property. However, the comments are equally applicable to any groundwater contaminants that may have emanated from the former dry cleaning operation at the Property. There is no substantial evidence to support the determination that any portion of the plume emanating from the Property has commingled with the P&K Cleaners plume, and the record contains substantial evidence to the contrary.

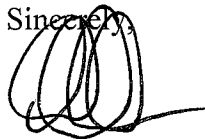
Finally, we note that the CRA Letter also suggests at Sections 3.13 and 3.14 that contamination associated with the dry cleaner at the Property "or other upgradient dry cleaning business[es]" may have migrated via the sewer line or associated backfill along Linda Avenue and commingled with the P&K Cleaners plume. Whether such migration occurred at all is pure speculation. Moreover, even if such commingling could be demonstrated, there is no evidence that would support a finding that the dry cleaner at the Property, rather than one or more of the numerous upgradient dry cleaners identified in the CRA Letter at Section 2.11, was the source of such commingled contaminants.

* * *

For the reasons cited in the Robinson Comments, as further supported by the evidence presented in the CRA Letter, the Regional Board has not identified substantial evidence supporting a determination that contaminants beneath and downgradient from the Property have commingled with the contaminant plume associated with P&K Cleaners. Accordingly, that determination must be deleted from both tentative orders.

We request that the reports and other documents referenced in the attached sections of the CRA Letter – all of which, to our knowledge, have previously been filed with the Regional Board – be made a part of the administrative record in this proceeding. We also reserve the right to provide further comments at or before the hearing in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald E. Sobelman", with a stylized, looping flourish at the end.

DONALD. E SOBELMAN

Attachment: Sections 2.5, 2.11, 3.13, and 3.14 of August 4, 2014 CRA letter

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cc: Stephen Hill (via e-mail only: shill@waterboards.ca.gov)
Bruce H. Wolfe (via e-mail only: bwolfe@waterboards.ca.gov)



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2.5 Page 4, Section 5, Paragraph 2; Page 4, Section 6; Page 4, Section 7

Groundwater flow direction in the shallow zone has been mainly to the north at an average gradient of approximately 0.005 feet per foot. [Section 5]

the residential subdivision downgradient of the Site. [Section 6]

beneath and downgradient (north and northwest) of the Site [Section 7]

Chevron Comment:

The Tentative Order and Staff Report do not provide any support for the assertion that groundwater flow from the Site is north-northwest, and the RWQCB's position contradicts many years of data collected at the Site. As presented in the October 30, 2013, Memorandum from Arcadis U.S. Inc. to the RWQCB (Arcadis 2013), multiple rounds of groundwater monitoring data contradict the RWQCB's assertion, and support a groundwater flow that is north-northeast (Arcadis 2013, p. 1-3).¹

Historical groundwater monitoring data for the Site shows a groundwater flow direction consistently toward the northeast as presented in Terradex Inc.'s *Closure Request* dated September 13, 2004 with an overall gradient beneath the Site from 0.005 to 0.01 ft/ft. This is also consistent with and supported by the groundwater plume dimensions presented in Terradex's October 12, 2004 *Closure Request-Supplemental Information*. Copies of Terradex's figures are presented in Attachment C (See also Arcadis 2013).

2.6 Page 5, Section 7, Paragraph 1, footnote 5

These concentrations [in Sentinel Well EA-5] are much lower than on-Site concentrations of CVOCs and in groundwater samples collected more recently and to the west of EA-5 (as discussed below), indicating EA-5 is probably not located in an appropriate area to function as a "sentinel" well.

¹ We request that this document be included in the administrative record.



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2.11 Page 7, Section 9, Paragraph 1

Two other dry cleaners, located at 1946 Contra Costa Boulevard (0750088; Former Dutch Girl Cleaners and currently the "Hosanna Cleaners") and 2001 Contra Costa Boulevard, are upgradient of the Site.

Chevron Comment:

This statement is incomplete. In CRA's April 7, 2014, *Technical Report* (p. 8 and 9), CRA referenced former dry cleaners upgradient of the Site from City of Pleasant Hill public library phone book records that was uploaded to Geotracker by the RWQCB staff on December 17, 2013 and from Contra Costa County Record's office records. The following upgradient historical dry cleaners were referenced:

- 1942 Linda Drive
- 1745 Contra Costa Boulevard

2.12 Page 9, Section 14, Paragraph 1

[E]ach of the dischargers has caused or permitted waste to be discharged or deposited, causing contamination of groundwater. Contamination of groundwater creates and threatens to create conditions of pollution and nuisance.

Chevron Comment:

The legal issues raised in this section are addressed in the letter from A. Todd Littleworth, which is being submitted with this letter.

As is discussed above in Section 2.3 and 2.4, there is no evidence supporting the assertion that there were releases of CVOCs while Chevron owned the Site. The dry cleaning business, which is the source of CVOCs, had ceased operation when Chevron purchased the Site. Any potential releases from the former used-oil USTs would be minimis, and would not require any further investigation or remediation.



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Chevron Comment:

This statement is not consistent with data from the 2011 and 2014 assessments. The highest PCE and TCE concentrations were detected at the west side of the former dry cleaner at CPT-14 and CPT-23. The "high" concentrations referred to beneath the used-oil UST location are consistent with the distribution of CVOCs expected from the release at the former dry cleaner where concentrations are orders of magnitude higher (See discussion above at Sections 2.3 and 3.6).

3.12 Comments on Pages 8-11, Section IV, Basis for naming Chevron Under Water Code as Discharger

The legal issues raised in this section are addressed in the letter from A. Todd Littleworth, which is being submitted with this letter.

3.13 Section IV, p. 10, paragraph 4

Additional new information clearly demonstrates the groundwater plume was not adequately characterized and, in fact, underlies the eastern part of the shopping center and commingles with a different CVOC plume associated with the former P&K Cleaners (Site 1).

Chevron Comment:

The Staff Report does not identify the "new information" to which it refers. As is discussed, below, in Section 3.14 contamination from the USTs associated with the service station have been adequately characterized. CVOCs detected beneath the Gregory Village Mall parking lot are likely associated with the Site 2 dry cleaning business (or other upgradient dry cleaning business) and have migrated via the former sanitary sewer line or backfill associated with the sewer that was located along the western Chevron property boundary (Arcadis, 2013).

3.14 Comments on Page 11, Section V, Evidence of Commingled Plume bullet points

This Section incorrectly assumes that groundwater flows from the service station property toward the north-northwest. As is discussed in Section 2.4 above, results from several years of routine groundwater monitoring have demonstrated that groundwater flow beneath the Site is toward the north-northeast. In addition, the Staff Report fails to take into consideration the



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fact that PCE detected beneath the Gregory Village Shopping Mall parking lot is significantly less weathered than PCE downgradient (north-northeast) of the service station, and that this PCE may have migrated via the sewer line or the backfill of the sewer line along Linda Avenue. (Arcadis 2013, Slides 3 and 4 discussions).

Bullet 1

GS-3 is not located upgradient of P&K Cleaners. Based on groundwater monitoring data in the available 2011 through 2013 P&K quarterly groundwater monitoring reports, groundwater beneath P&K flows northerly with a couple variations north-northeasterly. Therefore, GS-3 is crossgradient of P&K. Additionally, according to groundwater monitoring data from the Chevron wells, groundwater beneath the site flows northeasterly.³ Furthermore, GS-3 located approximately 20 feet from P&K Cleaners had grab-groundwater concentrations in 1997 of 830 micrograms per liter ($\mu\text{g/L}$) PCE and 240 $\mu\text{g/L}$ TCE while between 1988 and 1997 the highest concentrations detected in EA-1, located immediately north of Site 2, were only 73 $\mu\text{g/L}$ PCE and 300 $\mu\text{g/L}$ TCE. PCE concentrations immediately downgradient of the 1705 Contra Costa Boulevard property have always been one order of magnitude lower than GS-3. Therefore, the concentrations detected in the 1997 GS-3 boring appear to be sourced from the P&K Cleaners release and/or PCE that may have migrated via the sewer line or the backfill of the sewer line along Linda Avenue.

Bullet 2

Before it was destroyed, EA-2, located adjacent to the former used-oil UST, contained CVOC concentrations of 3,100 $\mu\text{g/L}$ PCE, 3,600 $\mu\text{g/L}$ TCE, 2,900 $\mu\text{g/L}$ cis-1,2-DCE, and 81 $\mu\text{g/L}$ VC on May 12, 2003. However these data are insufficient evidence to assert a commingled plume. On May 12, 2003, Chevron wells MW-D and EA-1, located downgradient of EA-2 contained maximum concentrations of 56 $\mu\text{g/L}$ PCE, 90 $\mu\text{g/L}$ TCE, 55 $\mu\text{g/L}$ cis-1,2-DCE, and no VC. These concentrations are two orders of magnitude lower than were detected in EA-2. This indicates concentrations are decreasing with distance downgradient of destroyed well EA-2.

Bullet 3

As is discussed above, CVOCs detected beneath the Gregory Village Shopping Center parking lot are not related to service station operations, and are most likely associated with releases of

³ Terradex September 13, 2004 Closure Request



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CVOCS from the dry cleaning business at Site 2, or other dry cleaners upgradient of Site 2, which migrated through the sanitary sewer or sanitary sewer backfill.

Bullet 4

In 2011, the grab-groundwater sample collected from CPT-1 at 15 fbg was initially reported as containing 380 µg/L TPHg and 3 µg/L MTBE; and, no BTEX was detected. However, as described in CRA's August 20, 2012 *Response to Erler & Kalinowski Inc. Comments on Additional Site Investigation Report and Conceptual Model* the 380 µg/L TPHg is a false positive of PCE. The library search of the chromatogram peaks in the TPHg range indicated the presence of TPHg in only 1 (CPT-6) of the original 24 groundwater samples that previously had TPHg detections when all peaks detected between C6 and C12 were added into the TPHg total, regardless of whether or not these components were actually petroleum hydrocarbons. Therefore, concentrations detected in CPT-1 are insufficient to assert a comingled plume.

3.15 Comments on Pages 14-17, Central Contra Costa County Sanitary (CCCCSD) Discharger

The sanitary sewer line that appears to have run north-south along the east of Linda Drive (landscaped area of the service station) serving the service station and the dry cleaning operation was replaced in 1987. The former dry cleaner on the Southern parcel ceased operation by 1986.

There has been no investigation beneath the former sewer line that serviced the dry cleaning business formerly located at the southern portion of the Site. It is well understood that dry cleaning operations discharge PCE-laden water to sanitary sewers and that sanitary sewers are frequently release points for this contamination to be discharged to the environment. (*Dry Cleaners, A Major Source of PCE in Ground Water*, Central Valley Regional Water Quality Control Board, March 27, 1992) PCE detected in groundwater beneath the Gregory Village Shopping Center parking lot "may have migrated via the sewer line, or the backfill of the sewer line, along Linda Avenue[.]" (Arcadis 2013, p. 7). Additional investigation is needed to confirm whether the sewer lines and/or backfill are a source of CVOCS and whether the old sewer line was a discharge point of PCE from upgradient dry cleaners south of the site. Attachment D includes copies of CCCCSD maps.

The Staff Report's statement that this sewer line served "the former Standard Oil automotive repair station" is misleading. In fact, there is no evidence of any discharge of CVOCS to the